

REMARKS

Claims 1-36 were pending in this application. Claims 17-26, 29, and 32-36 are cancelled herein, as drawn to non-elected Groups. Applicants expressly reserve the right to pursue protection of any or all of the cancelled claims in a subsequent application.

By this Amendment, two paragraphs of the specification, and claims 1, 3 and 16, are amended. Where appropriate, support for these amendments is discussed below. No new matter is introduced by these amendments. After entry of this amendment, **claims 1-16 and 27, 28, 30, and 31 are pending in the application.**

Correction of minor typographical errors in the specification:

Two paragraphs in the specification have been amended to remove erroneous references to a “type IV” repeat. As indicated in Example 7, at page 34, line 11, “**Three** types of repeats, types I, II, and III, were consistently found in the various isolates.” (emphasis added). Thus, reference to a type IV repeat is plainly erroneous.

Restriction Between Groups I through III

The Restriction Requirement contends that there are three inventions encompassed in the current application. Of the three Groups, Applicants elect to pursue the claims in Examiner’s Group I in the current application (claims 1-16, 27-28, and 30-31). Applicants expressly reserve the right to pursue cancelled subject matter in a future application.

Election of a Sequence Species

The Restriction Requirement further requires that Applicants elect a single sequence species specified in the Group I claims. Applicants traverse the requirement to elect a single sequence species.

The Group I claims, as amended herein, refer to SEQ ID NOs: 2, 4, 6, 15, 17, 18, 20, 22, 24, and 26. Each of these is the amino acid sequence of an acidic repeat protein (SEQ ID NOs: 2, 4, 6, 20, 22, 24, and 26) or a peptide from an acidic repeat protein (SEQ ID NOs: 15, 17 and

18). Each of the now-claimed sequences share a structural feature (the acidic repeat consensus sequence, as shown in duplicate in Claim 30) that defines a clear genus and provides a simple way for the Examiner to search the claimed sequences together. Each of the sequences referred to in the amended claims contain at least one repeat of the consensus sequence shown (in duplicate) in Claim 30 (EVEDX₁PX₂VVEPASX₃X₄EGGER, wherein X₁ is A or V; X₂ is K or G; X₃ is E or G; and X₄ is R or H). In order to clearly show the shared structural feature of the claimed sequences, and to better delineate the claimed genus, Applicants have amended independent claims 1 and 16 so that the acidic repeat consensus sequence is explicitly required.

In light of these amendments, and the arguments presented above, there would be no serious burden on the Examiner to retain SEQ ID NOs: 2, 4, 6, 15, 17, 18, 20, 22, 24, and 26 within the elected Group I. Applicants therefore request that the Examiner withdraw the requirement of a species election.

CONCLUSIONS

In light of the above arguments and amendments, and for the reasons stated above, Applicants request that the Restriction Requirement be modified. Examiner Ford is invited to telephone the undersigned if any questions remain concerning the requirement for restriction. Otherwise, the present application is ready for substantive examination, and such action is requested.

Respectfully submitted,

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